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FISCAL IMPACT STATEMENT

LS 6858

BILL NUMBER: HB 1364

NOTE PREPARED: Jan 8, 2013

BILL AMENDED:

SUBJECT: Intimidation or torment of a school employee.

FIRST AUTHOR: Rep. Huston

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that a student, former student, or parent of a student may not, with the intent to intimidate or torment a school employee: (1) build a fake profile of a school employee on an Internet web site; (2) post or encourage other people to post on an Internet web site private, personal, or sexual information pertaining to a school employee; (3) post a real or doctored image of a school employee on an Internet web site; (4) access, alter, or erase any computer network, computer data, computer program, or computer software that belongs to a school employee; or (5) use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or posts on a social networking web site, to a school employee.

It provides that a court may issue an injunction and order liquidated damages. It also provides that a school corporation must prohibit cyberbullying of a school employee in the school discipline rules.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fee Revenue:* The bill permits a school employee who has been subject to cyberbullying to bring an action for injunction against the individual responsible. If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, several fees are collected and deposited into the state General Fund and dedicated funds.

Explanation of Local Expenditures: Amending the current cyberbullying policy to include prohibiting cyberbullying of a school employee should be able to be implemented within existing resources. Under current law, the discipline rules adopted by a school corporation must prohibit bullying through the use of the school corporation's computer network.

The bill permits a school employee who has been subject to cyberbullying to bring an action for injunction against the student, former student or parent of student responsible for the act. The student might be liable for further punishment under the discipline rules of the corporation.

Explanation of Local Revenues: *Court Fee Revenue:* The bill permits a school employee who has been subject to cyberbullying to bring an action for injunction against the individual responsible. If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case. Persons filing a civil case are also be required to pay fees that are deposited in local funds.

State Agencies Affected:

Local Agencies Affected: School corporations.

Information Sources: Circuit and Superior Courts.

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